

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:
Cleveland Bakers and Teamsters Health and Welfare Fund v. Purdue Pharma L.P.,
No. 18-op-45432

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**MANUFACTURER DEFENDANTS' JOINT
MOTION TO DISMISS THE AMENDED COMPLAINT**

The manufacturer defendants¹ respectfully move under Federal Rule of Civil Procedure 12(b)(6) to dismiss all claims asserted against them in the amended complaint for failure to state a claim upon which relief can be granted. A memorandum in support of this motion is attached. The manufacturer defendants respectfully ask the Court to grant their motion in its entirety, dismiss all claims against them with prejudice, and grant any other relief the Court deems just or proper.

¹ This motion incorporates the definition of “manufacturer defendants” set forth in *Summit* MTD at 1 n.2 [Dkt. 499-1, PageID #7656], plus Par Pharmaceutical, Inc.; Par Pharmaceutical Companies, Inc.; and SpecGx LLC. Defendant Noramco, Inc., a company referenced in the amended complaint as a former affiliate of Johnson & Johnson, *see 1AC ¶52*, joins this motion to the extent applicable. Noramco does not (and did not at all material times relevant hereto) manufacture, package, brand, market, distribute, or sell the finished drug products at issue in this litigation, and it reserves all rights and defenses specific to it. Also, although the arguments raised here apply equally to Teva Pharmaceutical Industries Ltd., Allergan plc, and Mallinckrodt plc, these parties do *not* join this motion for the reasons stated in *Summit* MTD at 1 n.2.

Dated: July 23, 2018

Respectfully submitted,

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